THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.4699 of 2007

Dated:08.03.2007

Between:

S.Sujathamma and another.

…Petitioners

and

The Government of Andhra Pradesh, rep.by its Prl.Secretary, and others.

…Respondent

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.4699 of 2007

ORDER:

The two petitioners allege that they are owners of lands admeasuring Acs.40.00 comprised in Survey Nos.1228/34, 1228/37, 1228/38, 1228/21, 1228/39-43 and 1228/55 situated at Aswaraopet Village of Kothagudam Mandal in Khammam District. It is stated that the husband of the first petitioner and the second petitioner herein purchased the land under registered sale deeds vide registered document Nos.216 to 220 and 279 to 281 of 1968. The third respondent initiated action under the Andhra Pradesh Land Encroachment Act, 1905 (for short 'the Act'), calling upon the petitioners to explain as to why they should not be evicted from the Government land under their encroachment. They submitted explanations on 21.02.2007. Nonetheless, placing reliance on the decision of the Supreme Court in **Govt. of A.P. v. Thummala Krishna Rao**[1], the present Writ Petition is filed.

Learned Counsel for the petitioners reiterating the petition averments submits that long standing possession with the petitioners of the subject land would disentitle the revenue authorities from invoking the summary procedure under the Act. The averment cannot be accepted, having regard to the decisions of this Court in **Raidurg Cooperative House Building Society Ltd., v. Government of A.P.**[2] and **R.Jayasimha Reddy v Government of A.P and another**[3]. Be that as it is, now that the petitioners have already submitted the explanation they may await the completion of enquiry by the third respondent. As and when any adverse order is passed against them, it shall be open to them to prefer an appeal before the Revenue Divisional

Officer, and thereafter, a revision before the Joint Collector. At this stage, this Writ Petition cannot be entertained, as the impugned communication is in the nature of a show cause notice.

The Writ Petition, with the above observations, is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

08.03.2007
vs

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[1] AIR 1982 SC 1081

[2] 2003 (3) ALD 2

[3] 2003 (5) ALD 421